

BILL NO. G-76-12- 14

GENERAL ORDINANCE NO. G- 05-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following utility easement, to-wit:

Starting at a point on the Southwest corner of Blk, 2 Ewing's Addition, proceed in a Northerly direction along the West property line for a distance to the edge of the river to the North property line; thence, in an Easterly direction along the North property line for a distance of 3 feet; thence, in a Southerly direction along a line, parallel to the West property line for a distance to Superior Street to the South property line; thence in a Westerly direction along the South property line for a distance of 3 feet and to the point of starting.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana;

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

APPROVED AS TO FORM
AND LEGALITY.


Councilman

Read the first time in full and on motion by Thucols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 12-14-76

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.
PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>✓</u>				
HINGA	<u>✓</u>				
HUNTER	<u>✓</u>				
MOSES	<u>✓</u>				
NUCKOLS	<u>✓</u>				
SCHMIDT, D.				<u>✓</u>	
SCHMIDT, V.	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 2-22-77

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. 2-05-77 on the 22nd day of Feb., 1976.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1976, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 23rd day of February, 1976, at the hour of 6:00 o'clock P. M., E.S.T.

Ronald E. Armstrong
MAYOR

Bill No. G-76-12-14

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of
a certain utility easement

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance No Pass PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt

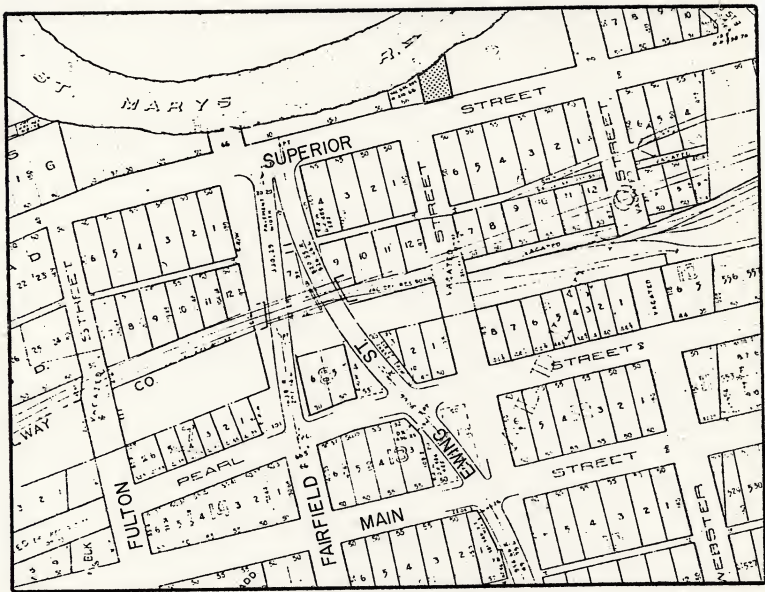
Winfield C. Moses, Jr.

William T. Hinga

Samuel J. Talarico

MADE A MATTER OF RECORD

DATE 2-22-77 CHARLES W. WESTERMAN, CITY CLERK



To be vacated for Easement.

10-18-76

AA-3

L.S.

6-76-12-14



R E S O L U T I O N

WHEREAS, The City of Fort Wayne, by and through its Board of Public Works, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following described public dedicated utility easement, in Allen County, Indiana, to-wit:

Starting at a point on the Southwest corner of Blk. 2 Ewing's Addition, proceed in a Northerly direction along the West property line for a distance to the edge of the river to the North property line; thence, in an Easterly direction along the North property line for a distance of 3 feet; thence, in a southerly direction along a line, parallel to the West property line for a distance to Superior Street to the South property line; thence in a Westerly direction along the South property line for a distance of 3 feet and to the point of starting.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing was held on Monday, January 17, 1977, at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public dedicated utility easement.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Pland Commission that the vacation of said public dedicated utility easement hereinbefore described be and the same is hereby approved:

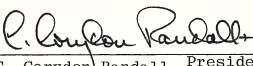
BE IT FURTHER RESOLVED that the acation of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets, alleys and dedicated utility easements, in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Rev. C. Corydon Randall, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on Monday, January 17, 1977, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 24th DAY OF January, 1977

FORT WAYNE CITY PLAN COMMISSION



Rev. C. Corydon Randall, President

PETITION TO VACATE A DEDICATED UTILITY EASEMENT

TO: CITY PLAN COMMISSION
FORT WAYNE, INDIANA

The undersigned petitioner(s), do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following dedicated public utility easement, within the City of Fort Wayne, Indiana, and hereby described as follows:

Starting at a point on the Southwest corner of Blk. 2 Ewing's Addition, proceed in a Northerly direction along the West property line for a distance to the edge of the river to the North property line; thence, in an Easterly direction along the North property line for a distance of 3 feet; thence, in a Southerly direction along a line, parallel to the West property line for a distance to Superior Street to the South property line; thence in a Westerly direction along the South property line for a distance of 3 feet and to the point of starting.

In support thereof, your petitioners would represent as follows:

1. That easement is of no use to the City of Fort Wayne.
2. That no other person, firm, or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said dedicated utility easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-/44, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described dedicated utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.


DATED THIS

10

DAY OF

November 1976

BOARD OF PUBLIC WORKS


Henry P. Wehrenberg, Chairman


Ethel H. LaMar, Member


Max G. Scott, Member

DIGEST SHEET

TITLE OF ORDINANCE _____ Dedicated Utility Easement Vacation

B-76-12-14

DEPARTMENT REQUESTING ORDINANCE _____ CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE _____ Petitioners (BOARD OF PUBLIC WORKS) are petitioning

for the vacation of the following described dedicated utility easement:

Starting at a point on the Southwest corner of Blk. 2, Ewing's Addition, proceed in a Northerly direction along the West property line for a distance to the edge of the river to the North property line; thence, in an Easterly direction along the North property line for a distance of 3 feet; thence, in a Southerly direction along a line, parallel to the West property line for a distance to Superior Street to the South property line; thence in a Westerly direction along the South property line for a distance of 3 feet and to the point of starting.

GENERALLY LOCATED SOUTH OF THE ST. MARY'S RIVER, NORTH OF SUPERIOR STREET AND EAST OF EWING STREET.

EFFECT OF PASSAGE _____ Easement presently is of no use to the City of Fort Wayne, and if vacated, would be utilized by abutting property owners.

EFFECT OF NON-PASSAGE _____ Easement would remain dedicated.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____ none

ASSIGNED TO COMMITTEE (J.N.)

Regulation of the



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

February 25, 1977

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of February 28, 1977 and March 7, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice For Common Council
of Fort Wayne, Indiana

Bill No. G-76-12-14
General Ordinance No. G-05-77

Bill No. Z-76-12-08
Zoning Map Ordinance No. Z-04-77

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 2

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

109

2

111

COMPUTATION OF CHARGES

Notice is hereby given that on the 22nd day of February, 1977, the Common Council of the City of Fort Wayne, Indiana, in a regular session did pass the following Bill No. G-76-12-14, G-65-77 General Ordinance, to wit:

BILL NO. G-76-12-14
GENERAL ORDINANCE
NO. G-65-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following utility easement, to wit:

Starting at a point on the Southwest corner of Blk. 2, Ewing's Addition, proceed in a Northerly direction along the West property line for a distance to the edge of the river to the North property line; thence, in an Easterly direction along the North property line for a distance of 3 feet; thence, in a Southerly direction along a line, parallel to the West property line for a distance to Superior Street to the South property line; thence in a Westerly direction along the South property line for a distance of 3 feet and to the point of

starting.
SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Counclimen
Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, place on its passage. PASSED by the following vote:

AYES: Eight—Burns, Hinga, Hyatt, Jr., Moses, Nuckols, V. Schmidt, Siler, Talarico.
NAYS: None
Absent: One—D. Schmidt
Date: 2-22-77

Charles W. Westerman
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, General Ordinance No. G-65-77 on the 22nd day of February, 1977.

ATTEST: (SEAL)
Charles W. Westerman John Nuckols
City Clerk Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1977, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk
Approved and signed by me this

23rd day of February, 1977, at the hour of 6:00 o'clock P.M., E.S.T.
Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-65-77 passed by the Common Council on the 22nd day of February, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of February, 1977, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of February, 1977.
CHARLES W. WESTERMAN
CITY CLERK

lines 1 columns wide equals 111 equivalent lines at .259¢ cents per line

\$ 28.75

al charge for notices containing rule or tabular work (50 per cent of above

or extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 30.25

ING COST

9.9
single column items

Size of type 5½ point

of insertions 2

Size of quad upon which type is cast 5½

dition and penalties of Ch. 89, Acts 1967,

the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

V. E. Gerken

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 2, the dates of publication being as follows:

2/28 & 3/7/77

Subscribed and sworn to before me this 7th day of March 1977

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

109

2

111

COMPUTATION OF CHARGES

111 lines, 1 columns wide equals 111 equivalent lines at 25¢
cents per line

\$ 28.75

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 30.25

DATA FOR COMPUTING COST

Width of single column 9.9
lines

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 7, 1977

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

2/28 & 3/7/77

Subscribed and sworn to before me this 7th day of March 1977

Notary Public

My commission expires September 28, 1979

COPY OF
MENT HERE

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head number of lines _____

Body number of lines 109

Tail number of lines 2

Total number of lines in notice 111

COMPUTATION OF CHARGES

111 lines, 1 columns wide equals 111 equivalent lines at 25¢ _____
cents per line \$ 28.75

1 charge for notices containing rule or tabular work (50 per cent of above) _____

BILL NO. G-76-12-14
GENERAL ORDINANCE
NO. G-85-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain utility easement.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain utility easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following utility easement, to wit: Starting at a point on the Southwest corner of Bix, 2 Ewing's Addition, proceed in a Northerly direction along the West property line for a distance to the edge of the river to the North property line; thence, in an Easterly direction along the North property line for a distance of 3 feet; thence, in a Southerly direction along a line, parallel to the West property line for a distance to Superior Street to the South property line; thence in a Westerly direction along the South property line for a distance of 3 feet and to the point of starting.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recordation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckolls
Councilman
Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, place on its passage. PASSED by the following vote:

AYES: Eight—Burns, Hinga, Hunter, Moses, Nuckolls, V. Schmidt, Slier, Talario.

ABSENT: One D. Schmidt
Date: 2-22-77

Charles W. Westerman
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-85-77 on the 22nd day of February, 1977.

ATTEST
(SEAL)
Charles W. Westerman John Nuckolls
City Clerk Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1977, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk
Approved and signed by me this 23rd day of February, 1977, at the hour of 6:00 o'clock P.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-85-77 passed by the Common Council on the 22nd day of February, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of February, 1977, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of February, 1977.

CHARLES W. WESTERMAN
CITY CLERK

ING COST

9.9
single column 25¢ ems

of insertions. 2

sion and penalties of Ch. 89, Acts 1967,

he foregoing account is just and correct, that the amount claimed is legally due, after allowing all just rt of the same has been paid.

Size of type 5½ point

Size of quad upon which type is cast 5½

19.77

Arvilla DeWald
Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

2/28 & 3/7/77

Subscribed and sworn to before me this 7th day of March 1977

My commission expires September 28, 1979

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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— number of equivalent lines _____

Head number of lines _____

Body number of lines 109

Tail number of lines 2

Total number of lines in notice 111

COMPUTATION OF CHARGES

111 lines, 1 columns wide equals 111 equivalent lines at .259¢ \$ 28.75
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$ 30.25

DATA FOR COMPUTING COST

Width of single column 9.9 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 7, 1977Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

2/28 & 3/7/77Subscribed and sworn to before me this 7th day of March, 1977

Notary Public

My commission expires September 28, 1979COPY OF
MENT HERE